

Not for Publication

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

In re Application of

COMODO HOLDINGS LIMITED,

Applicant,

Pursuant to 28 U.S.C. § 1782 for Judicial
Assistance in Obtaining Evidence from DAVID
UNTRACHT for Use in a Foreign Legal
Proceeding.

Civil Action No. 18-13755

ORDER

John Michael Vazquez, U.S.D.J.

On September 11, 2018, Applicant Comodo Holdings Limited (“Comodo”) applied for an order pursuant to 28 U.S.C. § 1782 (the “1782 Application”), seeking certain discovery from David Untracht for use in a proceeding captioned *Comodo Holdings Ltd. V. Renaissance Ventured Ltd. And Joseph Katz, as Executor for the Estate of the late Eric D. Emanuel, deceased*, pending in the Eastern Caribbean Supreme Court in the High Court of Justice, British Virgin Islands, Commercial Division (the “BVI Action”). D.E. 1, 1-1. On October 11, 2018, the Court granted Comodo’s 1782 Application. D.E. 2.

On December 6, 2018, Joseph Katz, as Executor for the Estate of Eric D. Emanuel, (the “Estate”) moved to reopen the action pursuant to Fed. R. Civ. P. 60(b)(6) and intervene in the action pursuant to Fed. R. Civ. P. 24. D.E. 3, 3-4. Comodo filed opposition, D.E. 6, and the Estate replied, D.E. 9. The Estate then filed a supplemental letter of authority, D.E. 11, to which Comodo responded, D.E. 12. The Court then held a telephone conference with the parties on May 20, 2019, D.E. 17. Pursuant to the telephone conference, the Estate submitted supplemental briefing. D.E.

19. The Court then held a hearing on May 28, 2019. D.E. 20. During the hearing, Comodo consented to the Estate reopening the action and intervening. For these reasons and those expressed on the record, and for good cause shown,

IT IS on this 28th day of May, 2019,

ORDERED that the Court **GRANTS** the Estate's motion to reopen the action pursuant to Fed. R. Civ. P. 60(b)(6) and to intervene pursuant to Fed. R. Civ. P. 24; and it is further

ORDERED that this Order supersedes the Court's Order at D.E. 3; and it is further

ORDERED that Comodo is authorized to issue a subpoena on Mr. Untracht limited to the following:

(1) Mr. Emanuel's tax returns from 1998 to 2002; and

(2) the documents contained in the box referenced in Mr. Untracht's e-mail to Lauren Peaty dated December 20, 2017; and it is further

ORDERED that such documents are to be produced to counsel for Comodo by June 7, 2019. The Estate may conduct a privilege review of the documents before production; and it is further

ORDERED that Comodo shall serve copies of this Order and the subpoena issued pursuant to this Order on counsel for the parties in the BVI Action.


John Michael Vazquez, U.S.D.J.